

In the House of Representatives, U. S.,

November 13, 2018.

Resolved, That the bill from the Senate (S. 440) entitled “An Act to establish a procedure for the conveyance of certain Federal property around the Dickinson Reservoir in the State of North Dakota.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. DEFINITIONS.***

2 *In this Act:*

3 (1) *DEPARTMENT.*—*The term “Department”*
4 *means Dickinson Parks & Recreation in Dickinson,*
5 *North Dakota.*

6 (2) *DICKINSON RESERVOIR.*—*The term “Dickin-*
7 *son Reservoir” means the Dickinson Reservoir con-*
8 *structed as part of the Dickinson Unit, Heart Divi-*
9 *sion, Pick-Sloan Missouri Basin Program, as author-*
10 *ized by section 9 of the Act of December 22, 1944*
11 *(commonly known as the “Flood Control Act of*
12 *1944”)* (58 Stat. 891, chapter 665).

13 (3) *GAME AND FISH HEADQUARTERS.*—*The term*
14 *“game and fish headquarters” means the approxi-*

1 *mately 10 acres of land depicted as “Game and Fish*
 2 *Headquarters” on the Map.*

3 (4) *MANAGEMENT AGREEMENT.*—*The term*
 4 *“Management Agreement” means the management*
 5 *agreement entitled “Management Agreement between*
 6 *the Bureau of Reclamation, et al., for the Develop-*
 7 *ment, Management, Operation, and Maintenance of*
 8 *Lands and Recreation Facilities at Dickinson Res-*
 9 *ervoir”, MA No. 07AG602222, Modification No. 1 and*
 10 *dated March 15, 2017.*

11 (5) *MAP.*—*The term “Map” means the map pre-*
 12 *pared by the Bureau of Reclamation, entitled “Dick-*
 13 *inson Reservoir”, and dated May 2018.*

14 (6) *PERMITTED CABIN LAND.*—*The term “per-*
 15 *mitted cabin land” means the land depicted as “Per-*
 16 *mitted Cabin Land” on the Map.*

17 (7) *PROPERTY.*—*The term “property” means*
 18 *any cabin site located on permitted cabin land for*
 19 *which a permit is in effect on the date of enactment*
 20 *of this Act.*

21 (8) *RECREATION LAND.*—*The term “recreation*
 22 *land” means the land depicted as “Recreation and*
 23 *Public Purpose Lands” on the Map.*

1 (9) *SECRETARY*.—*The term “Secretary” means*
 2 *the Secretary of the Interior, acting through the Com-*
 3 *missioner of Reclamation.*

4 (10) *STATE*.—*The term “State” means the State*
 5 *of North Dakota, acting through the North Dakota*
 6 *Game and Fish Department.*

7 **SEC. 2. CONVEYANCES TO DICKINSON DEPARTMENT OF**
 8 **PARKS AND RECREATION.**

9 (a) *CONVEYANCES TO DICKINSON DEPARTMENT OF*
 10 *PARKS AND RECREATION.*—

11 (1) *IN GENERAL*.—*Subject to the management re-*
 12 *quirements of paragraph (3) and the easements and*
 13 *reservations under section 4, not later than 5 years*
 14 *after the date of enactment of this Act, the Secretary*
 15 *shall convey to the Department all right, title, and in-*
 16 *terest of the United States in and to—*

17 (A) *the recreation land; and*

18 (B) *the permitted cabin land.*

19 (2) *COSTS*.—

20 (A) *IN GENERAL*.—*Except as provided in*
 21 *subparagraph (B), the Secretary shall convey the*
 22 *land described in paragraph (1) at no cost.*

23 (B) *TITLE TRANSFER; LAND SURVEYS*.—*As*
 24 *a condition of the conveyances under paragraph*
 25 *(1), the Department shall agree to pay all survey*

1 *and other administrative costs necessary for the*
 2 *preparation and completion of any patents for,*
 3 *and transfers of title to, the land described in*
 4 *paragraph (1).*

5 (3) *MANAGEMENT.*—

6 (A) *RECREATION LAND.*—*The Department*
 7 *shall manage the recreation land conveyed under*
 8 *paragraph (1)—*

9 (i) *for recreation and public purposes*
 10 *consistent with the Act of June 14, 1926*
 11 *(commonly known as the “Recreation and*
 12 *Public Purposes Act”)* (44 Stat. 741, chap-
 13 *ter 578; 43 U.S.C. 869 et seq.);*

14 (ii) *for public access;*

15 (iii) *for fish and wildlife habitat; or*

16 (iv) *to preserve the natural character*
 17 *of the recreation land.*

18 (B) *PERMITTED CABIN LAND.*—*The Depart-*
 19 *ment shall manage the permitted cabin land con-*
 20 *veyed under paragraph (1)—*

21 (i) *for cabins or recreational residences*
 22 *in existence as of the date of enactment of*
 23 *this Act; or*

1 (ii) for any of the recreation land
2 management purposes described in subpara-
3 graph (A).

4 (4) *HAYING AND GRAZING.*—With respect to
5 recreation land conveyed under paragraph (1) that is
6 used for haying or grazing authorized by the Manage-
7 ment Agreement as of the date of enactment of this
8 Act, the Department may continue to permit haying
9 and grazing in a manner that is permissible under
10 the 1 or more haying or grazing contracts in effect as
11 of the date of enactment of this Act.

12 (b) *REVERSION.*—If a parcel of land conveyed under
13 subparagraph (A) or (B) of subsection (a)(1) is used in a
14 manner that is inconsistent with the requirements described
15 in subparagraph (A) or (B), respectively, of subsection
16 (a)(3), the parcel of land shall, at the discretion of the Sec-
17 retary, revert to the United States.

18 (c) *SALE OF PERMITTED CABIN LAND BY DEPART-*
19 *MENT.*—

20 (1) *IN GENERAL.*—If the Department sells any
21 parcel of permitted cabin land conveyed under sub-
22 section (a)(1)(B), the parcel shall be sold at fair mar-
23 ket value, as determined by a third-party appraiser
24 in accordance with the Uniform Standards of Profes-
25 sional Appraisal Practice, subject to paragraph (2).

1 (2) *IMPROVEMENTS.*—For purposes of an ap-
 2 praisal conducted under paragraph (1), any improve-
 3 ments on the permitted cabin land made by the per-
 4 mit holder shall not be included in the appraised
 5 value of the land.

6 (3) *PROCEEDS FROM THE SALE OF LAND BY THE*
 7 *DEPARTMENT.*—If the Department sells a parcel of
 8 permitted cabin land conveyed under subsection
 9 (a)(1)(B), the Department shall pay to the Secretary
 10 the amount of any proceeds of the sale that exceed the
 11 costs of preparing the sale by the Department.

12 (d) *AVAILABILITY OF FUNDS TO THE SECRETARY.*—
 13 Any amounts paid to the Secretary for land conveyed by
 14 the Secretary under this Act shall be made available to the
 15 Secretary, subject to the availability of appropriations
 16 made in advance, for activities relating to the operation
 17 of the Dickinson Dam and Reservoir.

18 **SEC. 3. CONVEYANCE OF GAME AND FISH HEADQUARTERS**
 19 **TO THE STATE.**

20 (a) *CONVEYANCE OF GAME AND FISH HEAD-*
 21 *QUARTERS.*—Not later than 5 years after the date of enact-
 22 ment of this Act, the Secretary shall convey to the State
 23 all right, title, and interest of the United States in and to
 24 the game and fish headquarters, on the condition that the

1 *game and fish headquarters continue to be used as a game*
 2 *and fish headquarters or substantially similar purposes.*

3 (b) *REVERSION.*—*If land conveyed under subsection*
 4 *(a) is used in a manner that is inconsistent with the re-*
 5 *quirements described in that subsection, the land shall, at*
 6 *the discretion of the Secretary, revert to the United States.*

7 **SEC. 4. RESERVATIONS, EASEMENTS, AND OTHER OUT-**
 8 **STANDING RIGHTS.**

9 (a) *IN GENERAL.*—*Each conveyance to the Depart-*
 10 *ment or the State pursuant to this Act shall be made subject*
 11 *to—*

12 (1) *valid existing rights;*

13 (2) *operational requirements of the Pick-Sloan*
 14 *Missouri River Basin Program, as authorized by sec-*
 15 *tion 9 of the Act of December 22, 1944 (commonly*
 16 *known as the “Flood Control Act of 1944”) (58 Stat.*
 17 *891, chapter 665), including the Dickinson Reservoir;*

18 (3) *any flowage easement reserved by the United*
 19 *States to allow full operation of Dickinson Reservoir*
 20 *for authorized purposes;*

21 (4) *reservations described in the Management*
 22 *Agreement;*

23 (5) *oil, gas, and other mineral rights reserved of*
 24 *record, as of the date of enactment of this Act, by, or*
 25 *in favor of, the United States or a third party;*

1 (6) *any permit, license, lease, right-of-use, flow-*
 2 *age easement, or right-of-way of record in, on, over,*
 3 *or across the applicable property or Federal land,*
 4 *whether owned by the United States or a third party,*
 5 *as of the date of enactment of this Act;*

6 (7) *a deed restriction that prohibits building any*
 7 *new permanent structure on property below an ele-*
 8 *vation of 2,430.6 feet; and*

9 (8) *the granting of applicable easements for—*

10 (A) *vehicular access to the property; and*

11 (B) *access to, and use of, all docks, boat-*
 12 *houses, ramps, retaining walls, and other im-*
 13 *provements for which access is provided in the*
 14 *permit for use of the property as of the date of*
 15 *enactment of this Act.*

16 (b) *LIABILITY; TAKING.—*

17 (1) *LIABILITY.—The United States shall not be*
 18 *liable for flood damage to a property subject to a per-*
 19 *mit, the Department, or the State, or for damages*
 20 *arising out of any act, omission, or occurrence relat-*
 21 *ing to a permit holder, the Department, or the State,*
 22 *other than for damages caused by an act or omission*
 23 *of the United States or an employee, agent, or con-*
 24 *tractor of the United States before the date of enact-*
 25 *ment of this Act.*

1 (2) *TAKING.*—*Any temporary flooding or flood*
2 *damage to the property of a permit holder, the De-*
3 *partment, or the State, shall not be considered to be*
4 *a taking by the United States.*

5 **SEC. 5. INTERIM REQUIREMENTS.**

6 *During the period beginning on the date of enactment*
7 *of this Act and ending on the date of conveyance of a prop-*
8 *erty or parcel of land under this Act, the provisions of the*
9 *Management Agreement that are applicable to the property*
10 *or land, or to leases between the State and the Secretary,*
11 *and any applicable permits, shall remain in force and ef-*
12 *fect.*

Attest:

Clerk.

115TH CONGRESS
2^D SESSION

S. 440

AMENDMENT